

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING BY BLACK))	ORDER GRANTING
HILLS FIBERCOM, L.L.C. FOR APPROVAL OF))	PETITION FOR WAIVER
ITS INTRASTATE SWITCHED ACCESS TARIFF))	AND APPROVING
AND FOR AN EXEMPTION FROM))	STIPULATION AND
DEVELOPING COMPANY SPECIFIC COST-))	AGREEMENT
BASED SWITCHED ACCESS RATES))	

TC00-190

On November 22, 2000, the Public Utilities Commission (Commission) received a filing from Black Hills FiberCom, L.L.C. (FiberCom) for approval of its intrastate switched access tariff and for an exemption from developing company specific cost-based switched access rates. The tariff filing is a concurrence in the rates, terms and conditions of the current LECA Tariff No. 1, with the exception of the switched access rates which are based on a statewide average. The company is also requesting that the Commission exempt it from the requirement to develop intrastate switched access rates based on company specific costs. The company is requesting an effective date of November 22, 2000.

On November 23, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of December 8, 2000, to interested individuals and entities. Qwest Corporation (Qwest) filed a Petition for Leave to Intervene on December 6, 2000. At its regularly scheduled meeting of December 12, 2000, the Commission granted intervention to Qwest. On January 16, 2001, the Commission received a Motion for Continuance and Affidavit of Counsel from FiberCom. On October 1, 2001, the Commission received a revised switched access tariff from FiberCom. On October 1, 2001, the Commission received a Stipulation and Agreement to Settle Docket No. TC00-190.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 49-31, specifically 49-31-18 and 49-31-19 and ARSD Chapters 20:10:27 through 20:10:29, inclusive.

On October 10, 2001, the Commission considered FiberCom's request for approval of its intrastate switched access tariff no. 1 and a waiver from establishing switched access rates based on company specific costs. The Commission also considered the Stipulation and Agreement. The Commission voted to grant the petition for exemption from developing company specific cost-based switched access rates pursuant to ARSD 20:10:27:11. The Commission also granted FiberCom's request to waive ARSD 20:10:27:12 pursuant to ARSD 20:10:27:02. The Commission approved FiberCom's intrastate switched access tariff no. 1 as set forth in the Stipulation and Agreement. The Commission also voted to approve the Stipulation and Agreement, effective October 10, 2001, attached hereto as Exhibit A. The Commission further ordered that FiberCom, within three years of the date of this Order, file a petition to continue the exemption granted in this proceeding or file cost-based rates. The Commission voted to grant the petition for exemption as conditioned herein and approve the tariff. It is therefore

ORDERED, that FiberCom's petition to be exempt from establishing company specific cost-based switched access rates is granted and its intrastate switched access tariff no. 1, as amended, is approved; and it is further

ORDERED, that FiberCom shall, within three years of the date of this Order, file a petition to continue the exemption granted in this proceeding or file cost-based intrastate switched access rates; and it is further

ORDERED, that the Stipulation and Agreement is approved, effective October 10, 2001.

Dated at Pierre, South Dakota, this 18th day of October, 2001.

<p align="center">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: _____</p> <p>Date: _____</p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner